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PATENT TRADEMARK OFFICE

February 13, 2003

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Honorable Commission of Patents and Trademarks
Washington, D.C. 20231

Re: Appl. No. 09/966,893; Filed: September 28, 2001
For: TARGETING PROTEINS FOR CELLS EXPRESSING
MANNOSE RECEPTORS VIA EXPRESSION IN
INSECT CELLS
Inventors: Alessandra D'Azzo, *et al*
Our Ref: SJ-01-0020

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Response to Restriction Requirement (3 pages)
2. A self-addressed and stamped return postcard

Regards,

J. Scott Elmer
Reg. No. 36,129
Director, Office of Technology Licensing

JSE:rdm

Enclosures

1652



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PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
D'Azzo *et al.* : Art Unit: 1652
Serial No. 09/966,893 : Examiner: Christian I. Fronda
Filed: September 28, 2001 : Atty Docket: SJ-01-0020
For: Targeting Proteins to Cells :
Expressing Mannose Receptors Via :
Expression in Insect Cells :

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the restriction requirement dated February 4, 2003 issued for the referenced application, applicants hereby elect claim group III, claims 8-13, for further prosecution with traverse in part as explained below. In response to the election of species requirement applied to this claim group, applicants hereby elect the lysosomal storage disorder Galactosialidosis and protective protein/cathepsin A (PPCA), the corresponding enzyme which is deficient in this

disorder. To the extent that the requirement to select a lysosomal storage disorder and corresponding enzyme was intended as a further restriction instead of an election of species, applicants hereby traverse this further restriction requirement.

The present invention arises from a basic discovery regarding the unique character of proteins produced in insect cells with respect to their selective uptake in cells expressing mannose receptors. The methods and compositions derived from this discovery are generic with respect to the production of proteins that can be used to treat lysosomal storage disorders. Claims 1-16 (claim groups I-IV) are all related by this common concept as compositions (claims 8-13), a method of using such compositions (claims 1-7), and a method of making such compositions (claims 14-16). Therefore applicants respectfully request that restriction of claim groups I-IV be reconsidered and that these claims be examined as one group.

Applicants understand the required election of a lysosomal storage disorder and associated enzyme in item 3 of this action to be an election of species which will be used to guide the process of examining the genus claim. In the event that this requirement represents a further restriction of the subject matter to be examined in this application to a single disease and associated enzyme, applicants respectfully traverse. As noted above, the present invention is generic with respect to the production and use of enzymes to treat lysosomal storage disorders and should be examined accordingly. Separate examination of each disease-enzyme combination is unwarranted and would fail to acknowledge the general nature of the invention as described and claimed (see, e.g. claim 8). The proposed election, if viewed as a further restriction, would also represent a significant hardship for applicants since it would require separate examination of over 100 claim groups by applicants' estimation.

In accordance with the remarks above, applicants respectfully request that the restriction requirement be reconsidered and modified to allow prosecution of claim groups I-IV in the same application. Applicants further request that the nature of the required election in item 3 be clarified as an election of species. To the extent that the required election in item 3 is intended as a further

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Serial No.09/966,893

restriction requirement, applicants respectfully request that this requirement be reconsidered and withdrawn for the reasons set forth above.

No fee is believed to be required for consideration of this submission. If applicants are incorrect and a fee is required the Commissioner is hereby authorized to charge such fee to Deposit Account No. 501968.

Respectfully submitted,



James Scott Elmer
Attorney for Applicant
Registration No. 36,129

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Date: February 13, 2003